

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

June 14, 2024

LAURA A. AUSTIN, CLERK

BY:

/s/T. Taylor
DEPUTY CLERK

THAD GILBERT COOPER,

Plaintiff,

v.

SGT. LUISE,

Defendants.

Civil Action No. 7:23cv00704

MEMORANDUM OPINION

By: Hon. Thomas T. Cullen
United States District Judge

Plaintiff Thad Gilbert Cooper, an inmate proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983, naming Sgt. Luise as the only defendant. The court attempted to notify the defendant of the action, and on May 14, 2024, the Office of the Attorney General notified the court that, per the prison, there is no Sgt. Luise on staff, but there is a Sgt. Lewis. (*See* ECF No. 12.) By order entered on May 17, 2024, the court directed Cooper to advise the court within 14 days whether he intended to substitute Sgt. Lewis as the defendant in place of Sgt. Luise or, in the alternative, to provide additional information to identify the intended defendant. (ECF No. 13.) The court warned Cooper that if he did not respond to the court's order, the court would dismiss this action without prejudice. (*Id.*) The time to respond has passed and Cooper has not filed any response. Therefore, the court will dismiss Cooper's complaint without prejudice for failure to prosecute.

The Clerk is directed to send copies of this Memorandum Opinion and the accompanying Order to Cooper.

ENTERED this 14th day of June, 2024.

/s/ Thomas T. Cullen

HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE